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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RANDALL SCHNELL

Plaintiff

vs.

ALLENTOWN HOUSING
AUTHORITY, et al.

Defendants

CIVIL ACTION

08-CV-05529

FILED

SEP 25 2009

MICHAEL E. KUNZ, Clerk
By CM Dep. Clerk

ORDER

AND NOW, this th 24 day of September, 2009, it is hereby ORDERED that the Motion of the Defendants Allentown Housing Authority, Robert Werely and Daniel Farrell to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) [Doc. #3] is construed as a motion for summary judgment.

It is further ORDERED that the Motion for Summary Judgment [Doc. #3] is GRANTED.

It is further ORDERED that judgment is ENTERED in favor of the Defendants Allentown Housing Authority, Robert Werley and Daniel Farrell and against Plaintiff Randall Schnell on Count One of the Complaint.

It is further ORDERED that Counts Two and Three of the Complaint are DISMISSED WITHOUT PREJUDICE to asserting those counts in the appropriate state court.

It is further ORDERED that the Motion to Amend/Correct [Doc. #14] is DENIED.

The Clerk is DIRECTED to mark this case closed for statistical purposes.

BY THE COURT:

Thomas M. Golden
THOMAS M. GOLDEN, J.